BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2008-400-E - ORDER NO. 2008-767

NOVEMBER 13, 2008

IN RE: Progress Energy Carolinas, Inc.'s Motion for Waiver of Commission Rule 103-331 ORDER APPOINTING

HEARING OFFICER

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Commission's Motion to appoint Joseph M. Melchers, Esquire, Chief Counsel, to serve as a hearing officer in the present docket regarding Progress Energy Carolinas, Inc.'s Motion for Waiver of Commission Rule 103-331 and authority to obtain a security deposit for the provision of electric service from Pilgrim's Pride Corporation. This appointment is in order that the hearing officer may dispose of procedural and evidentiary matters pursuant to S.C. Code Ann. Section 58-3-40 (Supp. 2007).

Section 58-3-40(C)(1) states that upon the request of any party or any commissioner, the commission may employ a hearing officer who may hear and determine procedural motions or other matters not determinative of the merits of the proceedings. Under (C)(2), the hearing officer has full authority, subject to being overruled by the Commission, to rule on questions concerning the conduct of the case and other matters. Under (C)(3), the officer must be an attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience.

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We find that Joseph M. Melchers meets these qualifications, and we therefore

grant the Motion appointing him as hearing officer in this case. As hearing officer in this

proceeding, we direct Mr. Melchers to rule on appropriate matters in the case and dispose

of procedural and evidentiary matters, including communication with all parties to

establish a hearing date and procedural schedule for this proceeding.

IT IS THEREFORE ORDERED THAT:

1. Joseph M. Melchers, Esquire, Chief Counsel, is hereby appointed as

hearing officer in Docket No. 2008-400-E regarding the motion of Progress Energy

Carolinas, Inc. for waiver of Commission Rule 103-331 and for disposition of procedural

and evidentiary matters, including working with all parties to schedule a hearing date and

establish a procedural schedule for this proceeding.

2. This Order shall remain in full force and effect until further Order of the

Commission.

BY ORDER OF THE COMMISSION:

Elizabeth B. Fleming, Chairman

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ATTEST:

ohn E. Howard, Vice Chairman

(SEAL)